

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

Jennifer Garlick
Plaintiff

v.

CASE NO.

CA 13- 772 L

Source Receivable Management, LLC.
Defendant

JURISDICTION

1. This is an action for damages brought by an individual consumer against Defendant Source Receivable Management, LLC; (SRM) for violations of

TELEPHONE CONSUMER PROTECTION ACT (TCPA) 47 U.S.C. §227

FAIR DEBT COLLECTION PRACTICES ACT (FDCPA) 15 U.S.C. §1692

2. Jurisdiction of this court arises under

47 U.S.C. §227 b(3)

15 U.S.C. §1692 k(d)

28 U.S.C. §1331

3. Venue is proper before this court pursuant to **28 U.S.C. §1391(b)** where the acts and transactions giving rise to Plaintiff's action occurred in this district, where Plaintiff resides in this district, and where Defendant transact business in this district.

PARTIES

4. Plaintiff, Jennifer Garlick, is a natural person residing in Smithfield, Rhode Island

5. Plaintiff is a "consumer" as defined by **FDCPA 15 U.S.C. §1692a(3)**

6. Defendant Source Receivable Management, LLC. (SRM) and its agents are "debt collectors" as defined by **FDCPA 15 U.S.C. §1692a(6)**

7. Defendant, SRM is an entity engaged in the business of attempting to collect "debt" as defined by **FDCPA 15 U.S.C. §1692a(5)**

FACTUAL ALLEGATIONS

8. Plaintiff, Jennifer Garlick, is a natural person allegedly obligated to pay a debt owed a creditor other than Defendant.

9. At all times material and hereto, Plaintiff did not owe the debt and never owed any debt to the Defendant.

10. Defendant, SRM, use Instrumentalities of Interstate Commerce such as the mail and telephone for the purpose of collecting alleged debts.

11. Plaintiff received phone calls with an Automated Telephone Dialing System (ATDS) from at least 3 different phone number 773-717-5059 and 205-575-1014 and 262-584-4992 to number 401-742-8248 belonging to Plaintiff's cell phone.

12. Defendant uses telecommunications system that is able to trip up, trick, and or mask the actual location and identity of the caller. **(773) is a Chicago Illinois area code. (205) is a central Alabama area code. (262) is a South Eastern Wisconsin area code.** Defendant Source Receivable Management, LLC is located in Greensboro, NC. Plaintiff believes that was in efforts to conceal the caller's identity.

COUNT 1 VIOLATIONS OF THE TCPA

TCPA 47 U.S.C. § 227b(1)(A) Using Automated Telephone Dialing System (ATDS)

3 violations @ \$500/ violation

TCPA 47 U.S.C. § 227b(1)(A) Without "Prior Express Consent" of called party

3 violations @ \$500/ violation

TCPA 47 U.S.C. § 227b(1)(A) Call not made for emergency purpose

3 violations @ \$500/ violation

TCPA 47 U.S.C. § 227b(1)(A)(iii) To Plaintiff's cell phone"

3 violations @ \$500/ violation

COUNT 2 VIOLATIONS OF THE FDCPA

13. Plaintiff repeats and re-alleges each and every allegation contained above.

14. **FDCPA 15 U.S.C. §1692c(a)** Defendant caused phone to ring on at least 3 occasions without prior express consent.

15. **FDCPA 15 U.S.C. §1692d(6)** The placement of telephone calls without meaningful disclosure of the callers identity.

PRAYER FOR REELIEF

16. Defendants acts and omissions were unlawful, absent bona-fide error, without justification or excuse. Plaintiff believes the behavior of Defendant was done with the assumption that Plaintiff was ignorant of this unlawful behavior. As a result of the above violations Plaintiff prays for relief and judgment as follows:

TCPA 47U.S.C. §227b(3)(B) Private right of action. Person may bring in an appropriate court of that State, an action to recover for actual monetary loss or to receive \$500 in damages for "each such violation."

TCPA 47 U.S.C. § 227b(1)(A)

TCPA 47 U.S.C. § 227b(1)(A)(iii)

a) Using ATDS (3 violations) **One Thousand Five Hundred Dollars (1,500.00)**

b) Without "prior express consent" (3 violations) **One Thousand Five Hundred Dollars (1,500.00)**

c) Calls not made for emergency purposes (3 violations) **One Thousand Five Hundred Dollars (1,500.00)**

d) To Plaintiff's cell phone. (3 violations) **One Thousand Five Hundred Dollars (1,500.00)**

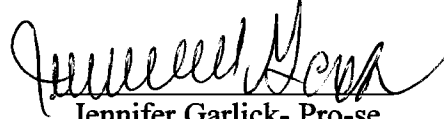
17. Statutory damages for **FDCPA 15 U.S.C. §1692k(2)(A)** **One Thousand Dollars (\$1,000.00)**

18. Court costs and any related fees

JURY TRIAL DEMANDED

19. Jury trial demanded

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer Garlick".

Jennifer Garlick- Pro-se

9A Shadow Brook Ln.

Smithfield, RI 02917

401-742-8248

Jgchick30@gmail.com

December, 11 2013

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VERIFICATION

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STATE OF RHODE ISLAND
PROVIDENCE COUNTY

U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

I, Jennifer Garlick, do solemnly swear that I have read the foregoing complaint, that I am the Plaintiff in the complaint, to the best of my knowledge all assertions and allegations are true.

PERSONALLY came and appeared before me, the undersigned Notary, the within named Jennifer Garlick, who is a resident of Smithfield, RI, County, State of Rhode Island, and makes this her statement and Verification Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts, and things set forth are true and correct to the best of her knowledge.

DATED this the 11 day of December, 2013

Jennifer Garlick
Jennifer Garlick *pro se*

SWORN to subscribe before me, this 11th day of December, 2013

Sandra M. Jennings
NOTARY PUBLIC

My commission expires:

September 23, 2015

